

EXHIBIT 6

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. A. No. 10-03561 WHA
)	
GOOGLE INC.,)	(Jury)
)	
Defendant.)	

EXPERT REPORT OF PROFESSOR ADAM JAFFE, Ph.D.

[CORRECTED]

FEBRUARY 8, 2016

EXPERT REPORT OF ADAM JAFFE, PhD

CONFIDENTIAL – ATTORNEYS’ EYES ONLY
PURSUANT TO PROTECTIVE ORDER

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 8th day of February, 2016, in Wellington, New Zealand.



Adam Jaffe, PhD

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V. GOOGLE'S CONDUCT

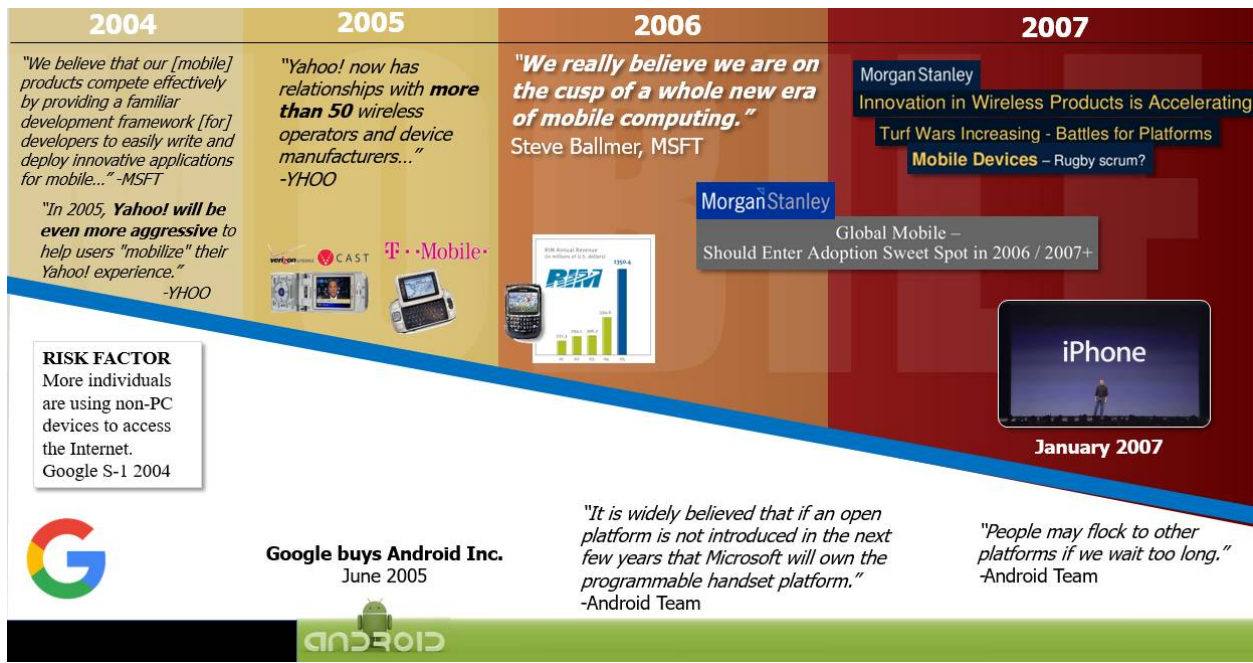
132. In this section, I move from the larger industry and technological trends and the histories of the players to the conduct at issue in this case. Namely, I discuss the specific situations that Sun and Google faced with the rise of mobile. It was the opportunity and challenge of this new mobile technology revolution that led the companies together and to the conduct at issue in this case.

133. In the early 2000s, Google recognized that the landscape of the Internet was changing, and that mobile was existentially significant to the future of its advertising-based business model.¹⁶⁷ As I describe above, the vast majority of Google's revenues came from search advertising. Google knew that if another player were to beat Google in the mobile search market, that player could undermine Google's PC search dominance and its long-term competitive position. As the use of mobile devices expanded, so did search and its attendant advertising revenue. To maintain search leadership and expand revenues, Google had to navigate a difficult and complex competitive landscape. In 2005, Google purchased Android Inc., in order to help realize its mobile strategy and fend off competition.¹⁶⁸ Through 2005 and 2006, key industry participants and analysts discussed the threats and opportunities presented by mobile. In 2007, the urgency with which Google needed to launch its Android platform increased significantly, with the launch of Apple's iPhone in January of that year.

134. Figure 26 below highlights key examples demonstrating the closing window of opportunity Google faced with respect to mobile.

¹⁶⁷ Google SEC Form 10-K (2004), at 58; GOOG-00100518-523.

¹⁶⁸ GOOGLE-58-00048925, at -926.

Figure 26: Google's Window of Mobile Opportunity¹⁶⁹

A. Google's need to expand its mobile presence

135. By early 2005, Google acknowledged publicly that users were increasingly using their mobile devices and apps in the same ways as—and instead of—their PCs. Google's 2004 Annual Report included in its Risk Factors:

More individuals are using non-PC devices to access the Internet, and versions of our web search technology developed for these devices may not be widely adopted by users of these devices.

The number of people who access the Internet through devices other than personal computers, including mobile telephones, hand-held calendaring and email assistants, and television set-top devices, has increased dramatically in the past few years. The lower resolution, functionality and memory associated with alternative devices make the use of our products and services through such devices difficult. If we are unable to attract and retain a substantial number of alternative device users to our web search services or if we are slow to develop products and technologies that are more compatible with non-PC communications devices, we will fail to capture a significant share of an increasingly important portion of the market for online services.¹⁷⁰

136. Google's risk statement reflects the industry trend of increasing use of mobile devices for purposes beyond phone calls, including wireless activities such as web browsing and search. By 2004, use

¹⁶⁹ See Exhibit 21.

¹⁷⁰ Google SEC Form 10-K (2004)(released in March 2005), at 58 (emphasis in original)..